

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-36 are presently pending. Claims amended herein are: 1-36. No claims are herein withdrawn, cancelled, or added.

### **Formal Request for an Interview**

**[0004]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0005]** Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

### **Claim Amendments**

**[0006]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-36 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

**[0007]** Support for the amendments to claims 1-36 is found in the specification at least in paragraphs 18 and 26

## **Substantive Matters**

### **Claim Rejections under § 101**

[0008] Claims 13-36 are rejected under 35 U.S.C. § 101. In response to these rejections, Applicant has amended claims 13-36 to replace recitations of "computer program product" with "computer-readable storage medium." In light of the amendments, Applicant respectfully submits that these claims comply with the patentability requirements of §101 and that the §101 rejections should be withdrawn.

[0009] If the Examiner maintains the rejection of these claims, then Applicant requests additional guidance as to what is necessary to overcome the rejection.

### **Claim Rejections under § 103**

[0010] The Examiner rejects claims 1-36 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious in view of the cited references.

[0011] Accordingly, Applicant respectfully requests that the § 103 rejections be withdrawn and the case be passed along to issuance.

[0012] The Examiner's rejections are based upon the following references in combination or sub-combination:

- **Bernhardt:** *Bernhardt, et al.* US Patent Publication No. 2005/0053007 (Published March 10, 2005);

- **Bradley:** *Bradley, et. al.*, US Patent Publication No. 2008/0056500 (Published March 6, 2008); and
- **Mitchell:** *Mitchell, et al.*, US Patent Publication No. 2004/0117494 (Published June 17, 2004).

## **Overview of the Application**

**[0013]** The Application describes a technology for retrieving an intermediate node policy characterizing communication properties supported by an intermediate node, the intermediate node being between a source node and a destination node in a communication path. The method includes forming a first policy-compliant message in accordance with the intermediate node policy, the first policy-compliant message including a request for a destination node policy characterizing communication properties supported by the destination node. A system includes a policy retriever comparing a source policy to one to an intermediate policy to determine whether the source policy is compatible with the intermediate policy. A message generator generates a policy request message by applying the intermediate policy to a request for a policy related to a destination node.

## **Cited References**

**[0014]** The Examiner cites Bernhardt as the primary reference in the obviousness-based rejections. The Examiner cites Bradley and Mitchell as secondary references in the obviousness-based rejections.

### **Bernhardt**

**[0015]** Bernhardt describes a technology for routing message data from a source node to a destination node in a mobile ad hoc network (MANET) having a plurality of intermediate mobile nodes between a source node and a destination node, and a plurality of wireless communication links connecting the nodes together. Traffic state information is obtained about the intermediate nodes between the source node and the destination node. The traffic state information includes node resource utilization information, node residual capacity information, and node transit delay information. Candidate routes are discovered from the source node to the destination node, and one or more routes are selected from among the candidate routes to distribute message data to the destination node based upon the number of intermediate nodes and the traffic state information obtained for each of the intermediate nodes on the discovered route.

Bradley

**[0016]** Bradley describes a technology for performing policy-managed, peer-to-peer service orchestration in a manner that supports the formation of self-organizing service networks that enable rich media experiences. In one embodiment, services are distributed across peer-to-peer communicating nodes, and each node provides message routing and orchestration using a message pump and workflow collator. Distributed policy management of service interfaces helps to provide trust and security, supporting commercial exchange of value. Peer-to-peer messaging and workflow collation allow services to be dynamically created from a heterogeneous set of primitive services. The shared resources are services of many different types, using different service interface bindings beyond those typically supported in a web service deployments built on UDDI, SOAP, and WSDL. In a preferred embodiment, a media services framework is provided that enables nodes to find one another, interact, exchange value, and cooperate across tiers of networks from WANs to PANs.

Mitchell

**[0017]** Mitchell describes a technology for dynamically reconfiguring and for provisioning a communications channel for a service running on a client. The method includes providing network protocol elements and channel filters configured to define or understand an upper level or application communications protocol. Then, based on particular service communications parameters,

selecting one or more of the filters and combining it with a protocol element to form a communications channel for use by the service. The channel filters are service bundles within a client architecture, such as an Open Services Gateway Initiative (OSGi) compliant architecture. The method includes receiving additional channel filters and reconfiguring built communication channels to include updated or new channel filters, such as dynamically when the service is next called or instantiated.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

[0018] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

### **Based upon Bernhardt and Bradley**

[0019] The Examiner rejects claims 1-33, 35 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Bernhardt and Bradley. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

### **Independent Claim 1**

[0020] Applicant submits that the combination of Bernhardt and Bradley does not render obvious at least the following elements as recited in this claim (with emphasis added):

- ***"retrieving an intermediate node policy having one or more protocol requirements for messages being transmitted to or from the intermediate node,"*** the intermediate node being between a source node and a destination node in a communication path"



- “forming a first policy-compliant message in accordance with the intermediate node policy, the first policy-compliant message including ***a request for a destination node policy having one or more protocol requirements for messages being transmitted to or from the destination node***”

[0021] In contrast, the Bernhardt describes a technology for determining a route of intermediate nodes between a source and destination based on traffic state information retrieved from the intermediate nodes. The traffic state information includes resource utilization information, node residual capacity information, and node transit delay information. Bradley describes a technology for performing policy-managed, peer-to-peer service orchestration in a manner that supports the formation of self-organizing service networks. Bradley further describes the exchanging of service bindings, which describe protocols used to communicate with a service (paragraphs 142, 211).

[0022] Even in combination, these references do not disclose requesting or retrieving policies of intermediate and destination nodes, the policies having *protocol requirements for messages*. Bernhardt simply describes information about the congestion of an intermediate node, such as the percentages of buffer and memory being used. None of this information constitutes protocol requirements *for a message*. Further, Bradley’s service bindings generically mention protocols of a service, but no reference is made to a *policy* which specifies *protocol requirements for messages*.

**[0023]** To establish a case of primary facie obviousness, the Examiner must show where one or more of the references teach or suggest each and every feature of a claim. As shown above, the combination of Bernhardt and Bradley does not teach or suggest at least policies having protocol requirements for messages. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Independent Claims 13, 25, and 35*

**[0024]** Claims 13, 25, and 35 include features similar to those recited by amended claim 1. Accordingly, claims 13, 25, and 35 are patentable over Bernhardt and Bradley for at least the same reasons.

*Dependent Claims 2-12, 14-24, 26-34, and 36*

**[0025]** These claims ultimately depend upon independent claims 1, 13, 25, and 35. As discussed above, claims 1, 13, 25, and 35 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Bernhardt, Bradley, and Mitchell**

[0026] The Examiner rejects claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Bernhardt, Bradley, and Mitchell. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0027] Mitchell does not cure the above-discussed deficiencies of Bernhardt and Bradley. Thus, claim 25 remains patentable even when Mitchell is combined with Bernhardt and Bradley.

[0028] Claim 34 ultimately depends upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

## **Conclusion**

[0029] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

/Robert C. Peck/ Dated: August 29, 2008

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